

**Town of Arlington**  
**Zoning Board of Appeals**  
**Meeting Minutes**  
January 30, 2018  
7:45 PM

**Meeting Minutes**

1. Docket #3543 89 Robbins Road (continuance)

**Members in Attendance:**

Patrick Quinn, Chair

Christian Klein, Vice Chair

Roger DuPont, Esq.

Shawn O'Rourke, Esq.

Joseph Moen, Esq.

**Docket #3543 89 Robbins Road (Continuance)**

The Petitioner, MC Real Estate Development LLC of Arlington Massachusetts appeared before The Zoning Board and continued their request for a Special Permit. **(see Meeting Minutes October 10, 2017)** Attorney Robert Annese represented the Petitioner.

The Board reprimanded the builder with respect to the facts that he exceeded the scope of the Building Permit and did not follow due process when he discovered additional structural damage. In addition, The Board recognized Inspectional Services shut the job down all within their duties and jurisdiction, and was correct in doing so.

The Board noted the Following: Under specific facts presented, the prior legal non-conforming status of the property remains even though the pre-existing building was removed to its foundation. A Special Permit granting authority has the right to exercise jurisdiction over prior non-conforming lots under certain circumstances. At the close of the hearing, The Board approved the request to commence with construction and finish the job. The Petitioner was so ordered to pay a triple fee of the building permit cost as a condition of this approval.